

<b>Applicant</b>	G. Brett and Caroline D. Bass	
<b>Request</b>	Rezone from RC-15 to RM-15	
<b>Location</b>	221 – 229 SE 12 Avenue	
<b>Legal Description</b>	Beverly Heights, P.B. 1, P. 30, Block 21, Lot 1	
<b>Property Size</b>	Approximately 6,200 s.f.	
<b>Zoning</b>	RC-15	
<b>Existing Land Use</b>	Apartment Building	
<b>Future Land Use Designation</b>	Residential Medium	
<b>Comprehensive Plan Consistency</b>	Consistent with Future Land Use Element, Permitted Uses	
<b>Other Required Approvals</b>	City Commission approval of rezoning.	
<b>Applicable ULDR Sections</b>	Sec. 47-5.14 (RC-15) , 47-5.16 (RM-15) and Sec. 47-24.4 (Rezoning)	
<b>Notification Requirements</b>	Mail Notification within 300 feet Sign Notice 15 days prior to meeting	
<b>Action Required</b>	Recommend approval; Recommend approval to a more restrictive zoning district, Deny the application	
<b>Project Planner</b>  <b>Authorized By</b>  <b>Approved By</b>	<b>Name and Title</b>	<b>Initials</b>
	Angela Csinsi, Planner II	
	Chris Barton, AICP, RLA, Principal Planner	
	Bruce Chatterton, AICP, Planning and Zoning Services Manager	

**Request:**

Rezone property located at the southeast intersection of SE 12 Avenue and SE 2 Court from RC-15 (Residential Single Family/Cluster Dwellings/Low Medium Density District) to RM-15 (Residential Low Rise Multifamily/Medium Density District).

It is on a corner lot and fronts SE 2 Court on the north, SE 12 Avenue on the east, Himmarshee Canal across from the Villagio di Las Olas on the west and Las Olas Boulevard approximately 110 feet to the south. The property does not front directly on Las Olas Boulevard.

**Property/Project Description:**

The property currently is occupied by a five-unit, two-story apartment building which was built in 1940. The applicant has indicated that they wish to preserve this older, art deco style building in its current state. It is adjacent to professional office and service buildings. The property to the east across SE 12 Avenue is a one-story office building. To the west, across the Himmarshee Canal is Villagio, which is a mixed-use project with multifamily and restaurants on the ground floor. To the south is an existing retail building. To the north across SE 2 Court are residential buildings.

The applicant desires to use the property for professional office use. This is possible only by applying as a mixed-use project in a separate application. Mixed-use projects are not permitted in RC-15 zoning districts but are in RM-15. However, there is an additional location limitation based on the existing land use of Residential Medium. This land use only allows mixed-use on specific streets, none of which include SE 12 Avenue nor SE 2 Court. The applicant has applied to the Board of Adjustment for a waiver of the location limitation to allow the site to be considered as a mixed-use project even though it does not directly front on Las Olas Boulevard.

**Comprehensive Plan Consistency:**

Rezoning from RC-15 to RM-15 is consistent with the Residential Medium Land Use designation. The Future Land Use Element of the Comprehensive Plan lists residential and office as permitted uses on Residential Medium Land Use properties.

**Staff Determination:**

The following rezoning criteria (ULDR Sec. 47-24.4) have been met:

1. **The zoning district proposed is consistent with the city's comprehensive plan.** RM-15 is consistent with Residential Medium Land Use.
2. **Substantial changes in the character of development in or near the area under consideration supports the proposed rezoning.** Two projects within the area rezoned portions of the property to Exclusive Use: Villagio and Himmarshee Landings. Southeast 2nd Court's character includes parking lots and service entrances for business uses fronting on Las Olas Boulevard.
3. **The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.** The property is surrounded by commercial and professional offices. The uses permitted in RM-15 include single-family, duplex, cluster developments, townhouses, bed and breakfasts, mixed-use, house of worship and schools. These uses are compatible with existing businesses, parking areas and multifamily residential uses.

**Planning & Zoning Board Options:**

1. If the Planning and Zoning Board determines that the application meets the criteria as provided in this section, the Planning and Zoning Board shall recommend that the rezoning be approved or recommend a rezoning to a more restrictive zoning district than that requested in the application if necessary to ensure compliance with the criteria for the rezoning and if consented to by the applicant.
2. If the Planning and Zoning Board determines that the application does not meet the criteria provided for rezoning or if the applicant does not consent to a more restrictive zoning district, the Planning and Zoning Board shall deny the application and an appeal to the City Commission may be filed by the applicant in accordance with Section 47-26B, Appeals.

PZ 4-Z-04/03-17-04/AC